

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
MONTGOMERY COUNTY, MARYLAND
100 Maryland Avenue, Room 200
Rockville, Maryland, 20850
(240) 777-6660

OZAH No. AA- _____
Date Filed _____
Hearing Date _____
Time _____

PETITION FOR ATTACHED OR DETACHED ACCESSORY APARTMENT SPECIAL EXCEPTION

(Please note instructions on reverse side. Application cannot be processed unless all information is submitted)

Petition is hereby made for a special exception to allow an attached or detached accessory apartment in accordance with Zoning Ordinance §59-G-2.00.6.

Petitioner(s): _____

First Name

Middle Initial

Last Name

Address: _____

Street

City & Zip Code

Telephone No.

E-mail Address

Proposed Use (Check one):

() Attached Accessory Apartment

() Detached Accessory Apartment

Description of Property for Proposed Use:

Address: _____

Lot: _____ and Block: _____, Parcel No.: _____ or other description _____

Size of Property: (In acreage or square feet) _____ Current Zoning: _____

Number of Off-Street Parking Spaces: _____ Public water/sewer? Yes ☐ No ☐

Municipality (If applicable): _____ Subdivision: _____

Petitioner's Present Legal Interest in Subject Property (Check one):

☐ Owner ☐ Other (describe) _____

Owner of Property (If not petitioner):

Name _____ Address _____ Zip Code _____

Has any previous petition involving this property been made to this office, or to the Board of Appeals, by this Petitioner, or by anyone else to this Petitioner's knowledge? _____ If so, give Case Number(s): _____

I have read the instructions on the reverse side of this form, and am filing herewith all of the required accompanying information. I hereby affirm that all of the statements and information contained in or filed with this petition are true and correct.

Signature of Attorney - *(Please print next to signature)*

Signature of Petitioner(s) - *(Please print next to signature)*

Address of Attorney

Telephone Number

E-mail Address

(OVER)

INSTRUCTIONS FOR FILING PETITION FOR ATTACHED OR DETACHED ACCESSORY APARTMENT SPECIAL EXCEPTION

1. Address correspondence to: Office of Zoning and Administrative Hearings, 100 Maryland Avenue, Room 200, Rockville, Maryland, 20850 (Telephone number: 240-777-6660)
2. At the time of filing an application, the correct fee must be paid in accordance with the current schedule of fees adopted by the Montgomery County Council. Presently, that fee is \$275.00. Checks or money orders should be made payable to Montgomery County, Maryland. Cash cannot be accepted. No application will be accepted by the office unless it contains all pertinent information and is accompanied by the required filing fee.
3. Special Exception petitions require that an OZAH sign be posted on the property within three (3) days after the application is accepted by the office. A deposit for the sign of \$300.00 is required: \$250.00 will be refunded to the applicant when the sign is returned following the Hearing Examiner's decision.

DATA TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION (Section 59-A-4.22, Montgomery County Code 1994, as amended)

Each Petition for Special Exception must be accompanied at the time of its filing by four (4) copies of all documents that include:

1. Survey plats or accurate drawings showing boundaries, dimensions, area, topography and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed to be erected, and the distances of such structures from the nearest property lines.
2. Plans, architectural drawings, photographs, elevations, specifications or other detailed information depicting fully the exterior appearance of existing and proposed construction, including signs, involved in the petition. Also include a floor plan of the accessory apartment, drawn to scale.
3. Statement explaining in detail how the special exception is proposed to be operated, including number of occupants, and any special conditions or limitations that the applicant proposes for adoption by OZAH.
4. Complete information concerning the size, type and location of any existing and proposed trees, landscaping and screening and any exterior illumination proposed.
5. Certified copy of official zoning vicinity map of 1,000-foot radius surrounding the subject property and other information to indicate the general conditions of use and existing improvements on adjoining and confronting properties. Purchase maps from the Maryland-National Capital Park and Planning Commission (M-NCPPC), 8787 Georgia Avenue, Silver Spring, Maryland, (Phone: 301-495-4610). The complete, original map (as issued by M-NCPPC) and three (3) copies must accompany the petition.
6. If the petitioner is the owner of the property, a copy of the deed to the property. If petitioner is not the owner of the property involved, the lease, rental agreement, or contract to purchase by which petitioner's legal right to prosecute the petition is established.
7. Applicable master plan maps reflecting proposed land use, zoning, and transportation, together with any other portions of the applicable master plan which the petitioner considers relevant. (Available at M-NCPPC, 8787 Georgia Avenue, Silver Spring.)
8. A preliminary forest conservation plan prepared under Chapter 22A or a confirmation from M-NCPPC that the inventory is not required under Chapter 22A-5.
9. An approved natural resources inventory prepared in accordance with the technical manual adopted by the Planning Board or a confirmation from M-NCPPC that the inventory is not required under Chapter 22A-5.
10. A preliminary and/or final water quality plan if the property lies in a special protection area subject to the provisions of Chapter 19 of the Code.
11. All additional exhibits which the petitioner intends to introduce.
12. A summary of what the petitioner intends to prove, including the names of petitioner's witnesses, summaries of the testimonies of expert witnesses, and the estimated time required for presentation of the petitioner's case. This summary should state the basis for your contention that a deviation from the parking standards or the minimum distance from other accessory apartments should be permitted in your case.
13. Names and addresses of adjoining and confronting property owners who are entitled to notice of the filing under Section 59-A-4.46(a), as reflected by the State Department of Assessments and Taxation, 30 West Gude Drive, Suite 400, Rockville, Maryland, 20850, (Phone: 240-314-4510). Please also list any local citizens associations and any municipality or special taxing district within which the property is located. Please use Neighboring Properties Form, attached hereto. The public hearing will be held no sooner than 30 days following the receipt of the petition and mailing of notice to neighbors.

IMPORTANT

It is suggested that petitioner, before preparing the petition, read carefully Sections 59-A-4.1, 59-A-4.2, 59-A-6.20 and 59-G-1 of the Zoning Ordinance. Approval of a special exception is separate from Homeowner Association (HOA), Co-op Association and Condominium agreements and covenants, which may prohibit accessory apartments. Homeowners should consult their HOA, Condominium or Co-op documents. The Office of Zoning and Administrative Hearings cannot enforce HOA, Condominium or Co-op covenants, which are private contractual agreements

Environmental Planning Division

Effective 1/08

Montgomery County Park & Planning Dept. ♦ 8787 Georgia Ave., Silver Spring, MD 20910 ♦ 301-495-4540, fax: 301-495-1303

APPLICATION**Forest Conservation Applicability* for Special Exceptions****PROPERTY LOCATION**

Street Address: _____

Subdivision: _____ Parcel(s) # _____ Lot #(s): _____ Block(s): _____

Property Tax Identification Number: _____

Applicant (Owner or Contract Purchaser):

Name _____

Street Address _____

City _____

State _____

Zip Code _____

()
Phone No.()
Fax No.**TOTAL AREA OF PROPERTY:** _____ acres _____ square feet**APPLICANT ATTESTS THAT THE FOLLOWING STATEMENTS APPLY TO THE SUBJECT SPECIAL EXCEPTION APPLICATION:**

- The application applies to a special exception on a property of less than 40,000 square feet.
- No forest or individual trees will be disturbed.
- The property is not subject to a previously approved Forest Conservation Plan.
- The special exception proposal will not impact any champion tree as defined by the Montgomery County Forestry Advisory Board.

Signature of applicant (Owner or Contract Purchaser):

Signature _____

Date _____

M-NCPPC acknowledges that the special exception for the above property is not subject to the Forest Conservation Law as defined in Chapter 22A of the Montgomery County Code.

Signature of M-NCPPC Environmental Planning staff reviewer:

Signature _____

Date _____

***This form may be used only if the property is less than 40,000 square feet in total area.**

ACCESSORY APARTMENT QUESTION/FACT SHEET

DO NOT RETURN THIS FORM WITH THE APPLICATION
THIS FORM SHOULD BE USED TO SUPPLY THE INFORMATION REQUIRED
IN ITEM NO. 3 OF THE ACCESSORY APARTMENT APPLICATION

Case No. _____

1. When was the house built? _____
2. What is the square footage of the lot? _____
3. What is the square footage of the accessory apartment? _____
4. How long have you owned the property? _____
5. How long has the apartment been in existence? _____
6. Do you plan any exterior modifications? _____
7. Does the apartment have a separate entrance? _____
8. Does the apartment have the same address as the house? _____
9. Parking: How many off-street parking spaces are available? _____
10. Where in the house is the apartment located? _____
Please provide a sketch of the apartment layout? _____
11. Is the house served by adequate public utilities? _____
12. Are you willing to correct the deficiencies discovered by the inspection of your property? _____
13. Is there any other rental residential use (*e.g.*, guest room for rent, boarding house or registered living unit) in your home? _____
14. Are there other accessory apartments in general neighborhood? _____
15. If the answer to the previous question is yes, please list the other accessory apartments by address and by approximate distance from your property.

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS FOR MONTGOMERY COUNTY

LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS
(Please see information on reverse side)

NAME	ADDRESS (Please add Zip Code)	LOT/PARCEL	BLOCK

**REGARDING NOTICE OF PUBLIC HEARINGS BEFORE
THE OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS FOR MONTGOMERY COUNTY**

Section 59-A-4.46(a) of the Zoning Ordinance, Montgomery County Code, 1994, as amended, requires that notice of public hearing be mailed to "...the owners, as specified by the applicant at the time of filing, of all properties contiguous to the property with which the case is concerned, and of all properties opposite said property measured at right angle to the intervening street or streets, and to the president or other designated representative as shown by the records of the Board or the Commission, of the local citizens association or associations, and of any municipality or special taxing district within whose territory the subject property lies..."

It is the responsibility of applicant(s) to supply the names and addresses of all such owners as shown on the current State Department of Assessment and Taxation records, and to list those persons on the reverse side of this form. The tax office is located at 30 West Gude Drive, Suite 400, Rockville, MD, 20850, Phone: 240-314-4510.

Instructions for Identifying Adjoining and Confronting Property Owners

Website for the Maryland State Department of Assessment and Taxation

www.dat.state.md.us
(Phone: 240-314-4510)

Real Property Data Search

- (1) Select Montgomery County
- (2) Select Street Address

- Enter Street Name
- Click on the SEARCH button.
- Review property addresses for those that share a common boundary and any property that faces your lot.